

TOWN OF FRAMINGHAM PLANNING BOARD SEPTEMBER 23, 2003

In attendance are Helen Lemoine, Chairperson; Larry Marsh, Vice Chairperson; Ann Welles, Clerk; Tom Mahoney and Carol Spack.

Not in attendance is Jim Lagerbom.

Also present Jay Grande, Planning Board Administrator and Carol Pontremoli, Administrative Assistant

Meeting is brought to order at 7:45 pm

I. Administration

ANR Plan

14 & 24 Second Street

Paul Galvani is representing Anna Kingdom who is deceased. They would like to divide the land into four conforming lots which is pending before the ZBA. They want to build four family homes, each lot adheres to the new lot width and they will be in conformance to all law. A single family home would be on lot 4 and two family homes on the other three lots. There are several two family homes across the street with the rest of the homes being three families.

Jay was asked if he had any information. The Treasurer has signed-off and Engineering has signed off.

Tom Mahoney made motion for the approval of the ANR plan for the division of four lots as shown on the plan drawn up by MetroWest Engineering dated April 21, 2003, revised July 28, 2003.

Larry Marsh seconded

Voted in 5 in favor with 0 opposed

Occupancy Permit for CVS

In attendance is Paul Galvani, attorney, Mark Andrews, Construction for CVS, sitting to the right is Scott Weiss VHB and Mark Louro, VHB.

Helen noted document 894-03 and 883-04

Jay was asked to give an update as to where CVS stands in regarding to their status.

Jay noted there were a number of things that were issued that need to be addressed. They are mainly the improvement and punch list items. He noted the jug handle where the traffic does go straight through now. He had asked for Bond and he did receive it. Jay recommended a 90 temporary permit and would allow time to make some adjustments. Jay noted the handicapped signage could be a problem and delay their occupancy permit. Ann confirmed with Mr. Jaime Cogliano and she confers his memo says it all. She would like to ask if there is any way the eastbound arrow on Salem End can be enlarged.

Scott Weiss confirms there is a queuing issue and ball tends to drop. They have lengthened the time and the queue is moving better during the peak time periods. They could increase the arrow and will do it if necessary. If they were to let the queue stand as it is, he feels it would draw more traffic using Salem End Road. In any event, Ann would still like to see the arrow extended. Scott mentioned there is heavy traffic during the time frame from 7:00 am to 10:00 am. He would like to wait until the first monitoring.

Ann noted that since the addition of the lights there has been a considerably drop in accidents at the intersection.

Larry asked Jay regarding monitoring times. Paul said they would be monitored 30, 60, 90 days after opening of the store. Larry asked about the 593 Consultant report and what is the fall back after opening.

Paul Galvani said the fall back is if there are traffic problems CVS would be obliged to hire a traffic officer.

Helen added that the decision specifies there are fall backs in writing if there problems.

Paul feels CVS is at the 98% complete on the punch list. He has also given over three weeks time for a request of a temporary permit.

Helen suggested that Town Counsel take a look at the agreement and should be sent to him. Carol Spack asked about the ending date of punch list regarding the Tripartite Agreement. She feels the date should representative of the actual date not the October 30, 2003 date.

Bob DeShaw Precinct 14

I am still looking for 100 feet of sidewalk on Temple Street.

Helen explained that the 100 feet of sidewalk is the responsibility of Boston Properties and is in the decision. Boston Properties has not started building yet.

Sue Bernstein would like to follow up on Ann's comments about the queue on Salem End Eastbound in the morning and does not think it is appropriate for people to wait longer than two light cycles. She feels it would be prudent to allow the light cycle to be extended.

Kathy McCarthy, Precinct 10

As she understands it, the applicant feels they have completed the work on the intersection. She asked if they could put the lines down further through the jug handle. She notes a problem regarding the pole was changed to the wrong area and the island did not get to be as large as it should have been. Our neighborhood has concerns with Boston Properties and changes in the whole Route 9/Temple Street area. She noted it would be helpful to note \$125,000 on that part of the intersection and had asked for a copy of the drainage report which she has not received. He other issue is lights are very bright and would like to see if they could dim them. She also added she was late for church on Sunday because she had to wait four light cycles. She feels very strongly

against a temporary permit and questioned what recourse they would have if there were problems after the store opening. She has requested the Board to think long and hard and consider that all the issues are thoroughly completed before giving an occupancy permit.

Jay suggests the lighting should be dimmed downward so not to impact traffic. He does not know if the pole being moved was significant. He noted the temporary permit would open the store and they would have to take that into consideration.

Larry would like to speak again on sidewalks. He would suggest there would be other mitigation money where he would like the Board to discuss to allow for the sidewalk.

Jay is recommending 90 day temporary permit

Tom Mahoney moved to have the Planning Board sign a temporary permit to January 9th 2004.

Larry seconded motion

Voted 5 in favor with 0 opposed

Kendall Building, 79-80 Concord Street was rescheduled to October 28, 2003 at 9:00 pm

300 Howard Street was continued to November 4, 2003

Public Hearing for Definitive Subdivision Plan Review Approval and Public Way Access Permit, Derby Street Extension, 0 Danforth St

Point of Interest, there is no 113

Representing Derby Street are Doug Straus, Peter Barbieri and Mike Tucker, VHB

Doug Straus shows a 3.27 acres of land consisting of two parcels and would need to be consistent with Derby Street. There would be 10 lots averaging approximately 11,000 square feet. PUD has requested a 10 foot pedestrian easement for sidewalks. They have spoken with a number of residents of Derby St and out of the 15-16 homes there was one concern regarding traffic and noise. Most people asked if this would connect with the PUD. Doug Strauss answered no.

Peter Barbieri confirmed there is no connection to the PUD and also confirmed the sidewalk requested by the PUD. A question was raised as to how to measure the road. Peter noted it is 550 feet long and also noted there are Regulations that now show how to measure from the center line. The distance would be 40 feet as they are in an R-1 zone which would comply and be consistent with the laws. Peter went on to say the existing cul-de-sac would be removed. They would loam and seed the existing driveways so there would be only one cull-de- sac.

Larry asked if there was a set of plans that would show how the extension would work. He wants to know where the PUD line is in conjunction with this project.

Ann wanted to know where the water and sewer connections were made. Mike noted the sewer would connect to the existing sewer on Derby Street. Scott answered the existing sewer would be extended and would match the 8 inch line. It would come up to the road and would create a loop.

Carol wanted to know to what extent does the original PUD layout, which shows a foot coming over Derby Street, overlay any of these proposed lots? Mike feels it tails off and does not go onto the two parcels noted.

Larry asked Doug if on the PUD proposal, the board voted unanimously to support no entrance or egress, if the litigation succeeds and goes back to zero what they would do. What if the proposal would come before the Town again? Peter Barbieri felt the Board would look at access again.

Doug Strauss wants to make sure all is aware this is separate from PUD project.

Ann noted the DPW letter wants the sidewalk to conform to AAD standards.

Carol Spack has environmental questions and asked about the 21E work on this piece of the land.

Doug is concerned and he believes there are no tanks in the land. Ann and Carol would like a copy of the environmental report.

Andrea Carr-Evans, Precinct 3

What is the building on the property being used for? Scott believes it currently is being used for repairs for truck operations. She asked about environmental report will become a public record. Scott believes it will be public and notes they are interested in environmental issues and will need to look at it more closely and that they will deal with it as issues come up.

Jeanette Burger, 137 Meadow Street

Jeanette has two questions and her first question for potential for a no-cut zone. She heard it should be 20 feet. Her second question is whether or not fences are planned? She noted lot 3 doesn't appear to be large enough for house? She asked if there are any waivers.

Helen responded yes there would be waivers. Yes there are a number of subdivisions where we ask for a no-cut zone. We may not be at that point yet. Regarding fences, Helen does not feel the Board was at the point yet where they discussed fences. She also noted the houses would need to conform to the Zoning By-laws and Town set-back requirements.

Helen noted that many of the questions Ms Burger is asking will again come up once the process starts.

Greg Doyle, 126 Meadow Street

He distributed a hand out. Mr. Doyle summarized his handout. He noted this is an appropriate use of the land and supports a reasonable amount of homes.

Larry interrupted with a point of order saying he doesn't feel the abutter should read the entire letter as appropriate.

Helen asked Mr. Doyle to give a summary.

He addressed several issues. He believes it is an appropriate use of the land. But feels it is not advisable for the Board to conduct a hearing for the following five issues. 1st issue the Board's decision for the PUD it states that the Board reserved for additional streets. 2nd issue is the legal appeals with PUD. 3rd item is property immediately north and has an active business on site would like to preclude the possibility to access to the Ellingwood site. 4th ongoing discussions for PUD that would realign or extend Derby Street through the Ellingwood property. 5th The Selectmen and a Full chapter 20. Mr. Doyle would like the Planning Board take a look and take a legal assessment from Town Counsel.

Helen answered this will be passed on to Town Counsel before it goes to the next step.

Sue Bernstein has two questions. First question is about pedestrian access, she vaguely remembers, at the time there was discussion regarding a crash gate. PUD regulations provides for 10% of affordable housing.

Ann noted a minor detail regarding the no-cut zone where we would like to install permanent markers.

Larry has a comment on waivers. Jay stated when looking at waivers there is not limit and board imposed a limit beyond 500 feet to 700 feet. Jay also notes there is a need for a very strong case.

Carol finds the comments from audience as well as the Board interesting but feels where there are issues here that are central she would like to hear the views of Town Counsel.

Tom Mahoney asked one more time about the PUD plans not being part of the Derby St plan. Doug Strauss notes the issues brought up here are not tied with PUD and cannot answer for them.

Helen asked Jay to get the information to Town Counsel. She asked Jay what he would need for his staff meeting. Jay would like to follow-up with Fire Department. He has not reviewed the Public Works letter.

Peter asked if the Board would be interested in changing the island in the middle. He noted if the Board does then they would need to redo the plans. Jay asked if the right of way could be reduced. Peter noted they can make that change.

This public hearing was continued until October 28th at 8:00 pm

Jay gave a brief update on Doeskin II

He needed to reschedule the Hearing. It has been rescheduled to October 21, 2003 and he will resend the public notice to newspaper and abutters.

He has a letter to owner, Fran Eglitis, which identifies the Boards request for plans and documentation to have adequate notice before hand for what the plan is to resolve the issues.

Public Hearing for Modification to a Scenic Way, 1065 Grove Street

Helen read the notice into the record.

In attendance is David Depietri, 1065 Grove Street, Applicant.

David gave a brief description of the work he would like to do. H noted he would like to repair the stone wall and has submitted pictures to the board showing pictures dated one year ago and 30 days ago.

Ann asked if it involves any trees. She also asked if he will be using cement.

David noted no trees are involved and will not use cement. He will use the stones that have fallen and repair it as it was before. Ann has no objections.

Dale Coates, 1053 Grove Street

He is concerned about the section by the tree which might need to be built up. He feels this repair would be a good.

Cathy Vassar Precinct 1

She believes this would be very good.

Tom Mahoney made a motion to approve the application for modifications to Scenic Road at 1065 Grove Street

Carol Spack seconded

Voted 5 to approve and 0 opposed

Administrative Items

Jay handed out the Minutes for September 2, 2003.

Helen reminded each board member to look at the minutes given to them several weeks ago.

Farm Pond

Jay received the confirmation letter regarding the funding. He has not received the check. The funds are being held by Fleet Bank in an escrow account for the Parkside obligation.

92 Blandin Avenue, Skaters Paradise

Jay asked Traffic and Safety Officer and Town Engineering regarding pavement markings and have a final occupancy permit.

Ann Welles made a motion to authorize Jay Grande to approve a final occupancy permit for Skaters Paradise, 92 Blandin Avenue

Tom Mahoney seconded

Voted 5 approve and 0 oppose

Route 126 and Route 30 update

Jay met with Mass Highway and the contractor with respect to the landscape improvement that Peter Sellers and other have been advocating for. This consists of the hardscape improvement and raised curbing. Mass Highway is willing to fund certain elements of that but not the remainder. Jay is looking to the contractor for a price. Helen asked if this will include aesthetically improving the stone wall. Jay responded no. There are concrete and stone walls with the Planning Board preferring the stone.

Helen thought there was funding from Route 30 but Jay would like to get cost estimates Helen doesn't want to miss opportunity. Jay has been pushing GPI to get a price so that would not happen. Ann wants to commend Jay on staying on top of this project.

Sue Bernstein asked Jay if there is any update on Edgell Road and High Street.

Jay and Peter Sellers are discouraged with the progress on the PWED transfer. GPI will be meeting with OPC. It has taken a lot of time and effort to transfer funds. We were already to move forward on Phase one and Phase two of High Street. We have been held hostage on Phase one and Phase two is contingent on this.

Jay can not find out what the real issues are for not getting an answer regarding this issue. Larry would like to contact Dave Magnani regarding this. Jay will provide Larry with the statistics so he can pass them along to Mr. Magnani.

Discussion on Mt. Wayte/Franklin St

Jim Hanrahan, attorney, Sam Adams, Principal, Eric Knapp, Plaza LLC

David Kelly, Site Engineer

This is a project covering the market and gas station on Mt Wayte and Franklin Street There is currently three access points, by the gas station, behind the gas station and next to the 400 Club. David Kelly has designed around the corner with the access behind the gas station. They would like to bring it up and modernized the proper property and would continue to use it as a mall. The plan works around constraints. They tried to maximize parking around the mall. They would like smaller tenants that would allow direct access to the front of the stores. They want to turn it away from a supermarket with maybe smaller shops and restaurants.

They would maximize parking and landscaping. It is a challenge to develop the site and to develop the mall. They would be looking for a drive-thru type tenant on the end closest to Mt. Wayte Avenue.

Helen asked how many parking spaces there are currently. David Kelly noted there were 350 spaces. Jim Hanrahan commented that depending on ultimate use, the Zoning By-laws on parking would change accordingly.

Carol Spack asked if they would take into consideration the back towards the pond. She noted maybe some sort of an outdoor café. She noted a small cinema or art studio would be ideal for the area.

Jim noted there are no grade or entrance changes planned.

Tom asked if they would need to deal with the Fire Dept regarding parking. David Kelly said he realized he would have to deal with Fire Dept.

Helen asked Jim what kind of permits they were looking at. Carol Spack asked about some greenscapes?

Helen wanted to know what type of improvement to the building they had planned and what the square footage would be.

Sam Adams noted they have done another plaza off Route 290 extension in Hudson.

Ann suggested it was not viable for supper market. Sam agreed no supper market has done well and most of the supermarkets they contacted have mentioned the area is unappealing.

Jim wanted to know what the Board's general consensus would be to keeping the drive thru going into Bank North bank

Sue Bernstein asked if they have considered a raised island coming out onto Mt. Wayte.

Carol Spack suggests they might be a potential to use it as residential and use the railroad to commute.

Tom Mahoney would like to set up an informal meeting Jim Hanrahan suggested they would be willing to do that when they have more information.

Larry asked how far they would go to get renters at this stage. Eric noted that housing would be premature at this time.

Jim said the board has given them food for thought and thanked the board for their input.

Helen asked Jay if there was any other business.

Jay has concerns with Maple Farms and their hours of operation.
Helen has asked Jay to send an e-mail to building inspector.

Administrative Items:

Inclusionary By-laws

Jay noted a raised level of concern even higher on being able to support a fully adequate by-law. He noted modifications need to be made. The commented on the Public Hearing is next Tuesday night. He is doubtful he will be able to put something together that would be viable or acceptable.

Ann asked if the Planning Board could draft the amendment and the task would be to work out the nitty-gritty. Jay noted that Donna has extended herself to help the Board but her time is limited.

Helen's concerns are the draft would need to be complete and be reviewed before the Town Meeting next Tuesday night. She feels they are still getting feed back because we are not done.

Ann will call John Held to get a reading and let the board know what he feels.

Ann Welles made a Motion to adjourn

Tom Mahoney Seconded

Voted 5 approve 0 oppose

Meeting adjourned at 11:00 pm

Respectfully submitted,

Carol A. Pontremoli
Recording Secretary

**These minutes were approved, with changes and/or amendments, at the Framingham Planning Board meeting of March 18, 2003.*

Thomas Mahoney, Chairman